

Date

Mr. Marshall Hevron
Adams & Reese, LLP
701 Poydras Street
Suite 4500
New Orleans, Louisiana 70139

Re: Ethics Board Docket No. 2021-268

Dear Mr. Hevron:

The Louisiana Board of Ethics, at its June 4, 2021 meeting, considered your request for an advisory opinion regarding the former Chief Financial Officer (CFO) and Network Administrator (NA) for the New Orleans College Prep Charter School providing the same services as an employee of a company through a contract with the charter school.

FACTS PROVIDED

New Orleans College Prep is a nonprofit charter operator that currently operates three charter schools, Walter L. Cohen College Prep, Lawrence D. Crocker College Prep, and Hoffman Early Learning Center. For the 2021-2022 school, Lawrence D. Crocker College Prep is being transferred to another charter operator. The loss of this charter school will result in New Orleans College Prep receiving less funding for its central staff. Joel Castro, Chief Executive Officer of New Orleans College Prep, has decided to eliminate two positions, Chief Financial Officer (currently held by Jonathan Tebeleff) and Network Administrator (currently held by Cory Landry).

The CFO currently supervises the following positions (1) the Director of Data, a position that will cease and be contracted out to a third-party and then managed by the new Chief Operating Officer (COO) of New Orleans College Prep; (2) the Director of Facilities and Operations, a position that will cease and whose responsibilities will be performed by the new COO of New Orleans College Prep; (3) the Director of Development, a position that will continue to exist and be supervised by the new COO; and, (4) the Director of Student Enrichment, a position that will still exist and be supervised by the new COO. The Network Administrator position was not a supervisory position.

New Orleans College Prep intends to contract with 4th Sector Solutions to provide the services previously provided by the Chief Financial Officer. In addition, New Orleans College Prep intends to expand its existing contract with LogixIT to provide increased information technology support which will include the services previously provided by the Network Administrator.

4th Sector Solutions seeks to hire Jonathan Tebeleff to assist it with any work performed by the company for New Orleans College Prep. LogixIT would like to hire Cory Landry to assist it with any work performed by the company for New Orleans College Prep.

LAWS

La. R.S. 42:1121A(1) provides no former agency head or elected official shall, for a period of two years following the termination of his public service as the head of such agency or as an elected public official serving in such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that former agency or render any service on a contractual basis to or for such agency.

La. R.S. 42:1121B provides no former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following the termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

La. R.S. 42:1121C provides that no legal entity in which a former public servant is an officer, director, trustee, partner, or employee shall, for a period of two years following the termination of his public service, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such public servant at any time participated during his public service and involving the agency by which he was formerly employed or in which he formerly held office.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics prohibits Jonathan Tebeff, the former CFO of New Orleans College Prep (NOCP), for a period of two years following the termination of his employment with NOCP, from rendering any service to New Orleans College Prep pursuant to a contract between NOCP and 4th Sector Solutions or from assisting 4th Sector Solutions in transactions involving NOCP.

In addition, the Board concluded, and instructed me to inform you, that the Code of Governmental Ethics prohibits Cory Landry, the former Network Administrator of NOCP, for a period of two years following the termination of his employment with NOCP, from rendering any service he rendered while employed with NOCP pursuant to a contract between NOCP and LogixIT or from assisting LogixIT in transactions in which Cory Landry participated while employed with NOCP.

Further, the Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit either Jonathan Tebeff and Cory Landry from working for 4th Sector Solutions and LogixIT, respectfully, on transactions not involving NOCP.

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This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. Please note that the Board issues no opinion as to past conduct, and that the Board's expressed opinion is limited to an examination of the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions in the gaming laws.

If you have any questions, please contact me at (800) 842-6630 or (225) 249-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Barker
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only.
and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.